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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,150	08/25/2003	William H. Saito	WSAITO.004A	3522

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IRVINE, CA 92614

EXAMINER
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LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/21/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/21/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

**Office Action Summary**

Application No.

10/648,150

Applicant(s)

SAITO, WILLIAM H.

Examiner

Benjamin E. Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 14, 15 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-13, 16-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species 2 in the reply filed on 02 February 2007 is acknowledged.
2. Claims 2-4, 14, 15, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 02 February 2007.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5, 7-13, 16-18, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dor, U.S. Publication No. 2004/0088551. Referring to claim 1, Dor discloses a system where credit transactions to a vending machine are approved with the use of a response computer and a user cellular phone when the user does not use their actual credit card ([0015] & [0128] & [0137] & [0140]). Any user that wishes to use the service must have an account with a service provider and possess a cell phone that is registered with the vendors ([0128] & [0136]-[0137]), which meets the limitation of at least one record that includes information about the individual, the information including information about the individual's personal communications device. The

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approving agency has a user database of information containing the cell phone information and credit account information that is used to verify the user ([0137] & [0140]), which meets the limitation of a controller having access to the at least one record wherein the controller is in communication with one or more secure components and wherein the controller, in response to receiving a signal indicating that the individual seeking access to the one or more secure components does not have their access device, retrieves information about the individual's personal communications device. The response computer sends to the customer's cell phone a unique transaction code that is to be entered into the vending machine's keypad to enable retrieval of the purchased merchandise ([0140]), which meets the limitation of sending an alternate access code to the individual and then subsequently evaluates whether the individual has provided the alternate access code back to the controller correctly to determine whether to permit access to the secure component, a communications interface that allows signals between the individual's communication device and the controller, wherein the controller uses the communications interface and the individual's personal communications device to allow the individual to receive or transmit the alternate access code to the controller.

Referring to claim 9, Dor discloses a system where credit transactions to a vending machine are approved with the use of a response computer and a user cellular phone when the user does not use their actual credit card ([0015] & [0128] & [0137] & [0140]), which meets the limitation of a system for limiting access to at least one secure component having an associated access device reader to only authorized individuals, wherein the system permits access to the at least one secure component when an individual provides an access device to the access device reader that is recognized as an authorized access device wherein when the individual provides an

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indication to the system that the individual does not possess an authorized access device, the system communicates with a personal communication device. Any user that wishes to use the service must have an account with a service provider and possess a cell phone that is registered with the vendors ([0128] & [0136]-[0137]), which meets the limitation of the personal communications device registered to the individual. The approving agency has a user database of information containing the cell phone information and credit account information that is used to verify the user ([0137] & [0140]), which meets the limitation of verifying the individual through the use of the personal communications device.

Referring to claims 8, 10, 11, Dor discloses that the response computer will have cellular reference numbers of credit account holders stored, in association with data related to the account holders ([0137]), which meets the limitation of the system includes a record of personal communications devices belonging to authorized individuals, the record comprises telephone numbers for the individual's cellular telephone.

Referring to claims 5, 7, 12, 13, Dor discloses that the response computer sends to the customer's cell phone a unique transaction code that is to be entered into the vending machine's keypad to enable retrieval of the purchased merchandise ([0140]), which meets the limitation of the identity of the individual is verified by sending an access code to the individual's personal communication device and inducing the individual to transmit the access code back to the system, the at least one secure component has a user input through which the individual can input the access code provided to the individual's personal communications device, the controller sends the alternate access code to the individual via the individual's personal

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communications device, the controller receives the alternate access code from the individual via the secured component.

Referring to claims 16, 21, 22, Dor discloses a system where credit transactions to a vending machine are approved with the use of a response computer and a user cellular phone when the user does not use their actual credit card ([0015] & [0128] & [0137] & [0140]), which meets the limitation of receiving a signal from an individual indicating that the individual does not have their access device for access to the secured component. Any user that wishes to use the service must have an account with a service provider and possess a cell phone that is registered with the vendors ([0128] & [0136]-[0137]), which meets the limitation of communicating with a personal communications device registered to the individual. The approving agency has a user database of information containing the cell phone information and credit account information that is used to verify the user ([0137] & [0140]). The response computer sends to the customer's cell phone a unique transaction code that is to be entered into the vending machine's keypad to enable retrieval of the purchased merchandise ([0140]), which meets the limitation of verifying the individual's identity based upon the communications with the individual's personal communications device, allowing access upon verification of the individual's identity, access is allowed when the individual transmits an appropriate access code and communication is established with the individual's personal communications device.

Referring to claim 17, Dor discloses that initialization of the transaction can occur from a vendor terminal ([0137]-[0138]), which meets the limitation of receiving a signal from an individual comprises receiving a signal from a user interface associated with the secure component.

Referring to claim 18, Dor discloses that the response computer sends to the customer's cell phone a unique transaction code that is to be entered into the vending machine's keypad to enable retrieval of the purchased merchandise ([0140]), which meets the limitation of sending an access code to the individual's personal communications device, receiving a signal from the individual, and evaluating the signal received from the individual to ascertain whether the signal includes the access code.

Referring to claim 20, Dor discloses that initialization of the transaction can occur from a vendor terminal ([0137]-[0138]), which meets the limitation of receiving a signal from an individual comprises receiving a signal from a user interface associated with the secure component.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dor, U.S. Publication No. 2004/0088551. Referring to claim 6, Dor discloses that the response computer sends to the customer's cell phone a unique transaction code that is to be entered into the vending machine's keypad to enable retrieval of the purchased merchandise ([0140]). Dor does not expressly disclose that the customer could use the cell phone to transmit the unique transaction code back to the response computer. Dor does suggest that the customer enters other authentication information into their cell phone, such as a password ([0140]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the user to input the unique transaction code into the cell phone for transmission back to the response computer for authentication in order to verify that the user receiving the code is the user being authenticated. Such an authentication scheme would also reduce the likelihood of an exhaustive attack on the vending machine, because the malicious attackers would not be able to sit a punch in all possible codes into the vending machine if no interface was necessary.

#### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turtiainen, U.S. Patent No. 6,430,407

Maes, U.S. Patent No. 6,016,476

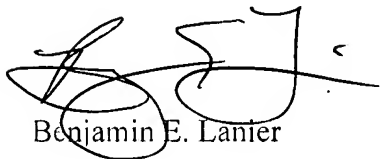
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benjamin E. Lanier